

### REMARKS

In response to the Office Action mailed March 15, 2002, the Applicant respectfully requests that the Examiner enter the above amendments and consider the following remarks. A marked-up version of the changes is attached hereto. Claims 1, 14, and 19 have been amended to more clearly describe the invention, and new claims 24-26 have been added. In addition, claims 21-23 have been canceled without prejudice. As a result, claims 1-20 and 24-26 are still pending in the application. The Applicant respectfully requests further examination and reconsideration of the application in light of the amendments and accompanying remarks.

#### Rejection of Claims 1-23 Under 35 U.S.C. § 103(a)

The Examiner maintained the rejection of claims 1-23 under 35 U.S.C. § 103(a) as being unpatentable over Lewis in view of Lamp and Berger. The Applicant respectfully traverses the rejection. As set forth in column 7, lines 35-38, Lewis explains that exemplary embodiments of the bulkhead member have a width of only about 12 to 18 inches. In the attached affidavit of Kevin Burt, he swears to the best of his knowledge that the width of retaining panels at the time of the conception of the present invention was limited to about 18 inches or less. Conversely, in amended claims 1, 14, and 19 of the present invention, the width of each retaining panel is at least about 24 inches. In addition, claims 21-23 have been canceled without prejudice, and new claims 24-26 have been added. In his affidavit, Kevin Burt explains how the increased width of the panels of the present invention solves a long felt need in the retaining panel field. Therefore, the Applicant respectfully submits that Lewis in view of

Lamp and Berger cannot support the rejection of claims 1-20 and 24-26 under 35 U.S.C. § 103(a).

**CONCLUSION**

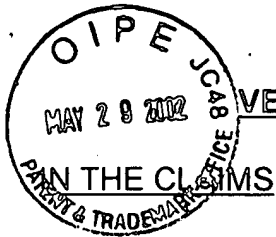
The Applicant has distinguished claims 1-20 and 24-26 over the cited references. Therefore, the Applicant respectfully submits that the present application is now in condition for allowance, and such action is earnestly requested.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

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Please cancel claims 21-23 without prejudice.

Please amend the following claims:

1. (amended) A retaining panel for a body of water, the retaining panel comprising:

a continuous central portion having a first end and a second end;

a first side portion integrally connected to and extending rearwardly at a first angle from said first end of said central portion, said first side portion having a rear end;

a second side portion integrally connected to and extending rearwardly at a second angle from said second end of said central portion, said second side portion having a rear end;

a first flange integrally connected to and extending from said rear end of said first side portion, said first flange having a proximal portion and a distal portion, said distal portion of said first flange defining a ~~substantially C-shaped~~ female connecting portion, said distal portion of said first flange extending forwardly at a third angle from said proximal portion of said first flange to said female connecting portion; and

a second flange integrally connected to and extending from said rear end of said second side portion, said second flange having a proximal portion and a distal portion, said distal portion of said second flange defining a ~~substantially T-shaped~~ male connecting portion, said distal portion of said

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second flange extending forwardly at a fourth angle from said proximal portion of said second flange ~~then leveling to being substantially parallel to said proximal portion of said second flange then~~ and terminating with said male connecting portion;

wherein said retaining panel has a width of at least about 24 inches and is adapted to be connected to a substantially similar, adjacent retaining panel by inserting said male connecting portion of said retaining panel into said female connecting portion of said adjacent retaining panel.

14. (amended) A retaining panel for a body of water, said retaining panel comprising:
- a continuous central portion having a first end and a second end;
  - a first side portion integrally connected to and extending at a first angle from said first end of said central portion, said first side portion having a rear end;
  - a second side portion integrally connected to and extending at a second angle from said second end of said central portion, said second angle approximately equal to said first angle, said second side portion having a rear end;
  - a first flange integrally connected to and extending at a third angle from said rear end of said first side portion, said first flange having a proximal portion and a distal portion, said distal portion of said first flange defining a ~~substantially C-shaped~~ female connecting portion, said distal portion of said first flange extending at a fifth angle from said proximal portion of said first flange to said female connecting portion; and

a second flange integrally connected to and extending at a fourth angle from said rear end of said second side portion, said second flange having a proximal portion and a distal portion, said distal portion of said second flange defining a ~~substantially T-shaped~~ male connecting portion, said distal portion of said second flange extending at a sixth angle from said proximal portion of said second flange ~~then leveling to being substantially parallel to said proximal portion of said second flange then~~ and terminating with said male connecting portion;

wherein said retaining panel has a width of at least about 24 inches and is adapted to be connected to a substantially similar, adjacent retaining panel by inserting said male connecting portion of said retaining panel into said female connecting portion of said adjacent retaining panel.

19. (amended) A retaining panel of one-piece construction for a body of water, said retaining panel comprising:
- a central portion having a first end and a second end;
  - a first side portion integrally connected to and extending at a first angle from said first end of said central portion, said first side portion having a rear end;
  - a second side portion integrally connected to and extending at a second angle from said second end of said central portion, said second side portion having a rear end, said second angle approximately equal to said first angle, the length of said second side portion approximately equal to the length of said first side portion;

a first flange integrally connected to and extending at a third angle from said rear end of said first side portion, said first flange having a proximal portion and a distal portion, said distal portion of said first flange defining a ~~substantially C-shaped~~ female connecting portion, said distal portion of said first flange extending at a fifth angle from said proximal portion of said first flange to said female connecting portion; and

a second flange integrally connected to and extending at a fourth angle from said rear end of said second side portion, said fourth angle approximately equal to said third angle, said second flange having a proximal portion and a distal portion, said distal portion of said second flange defining a ~~substantially T-shaped~~ male connecting portion, said distal portion of said second flange extending at a sixth angle from said proximal portion of said second flange ~~then leveling to being substantially parallel to said proximal portion of said second flange then~~ and terminating with said male connecting portion;

wherein said retaining panel has a width of at least about 24 inches and is adapted to be interlocked with a substantially similar, adjacent retaining panel by inserting said male connecting portion of said retaining panel into said female connecting portion of said adjacent retaining panel.

Please add the following new claims:

24. (new) The retaining panel of claim 1 wherein:

said female connecting portion is substantially C-shaped;

said male connecting portion is substantially T-shaped; and

said distal portion of said second flange levels to being substantially parallel to said proximal portion of said second flange prior to terminating with said male connecting portion.

25. (new) The retaining panel of claim 14 wherein:

said female connecting portion is substantially C-shaped;

said male connecting portion is substantially T-shaped; and

said distal portion of said second flange levels to being substantially parallel to said proximal portion of said second flange prior to terminating with said male connecting portion.

26. (new) The retaining panel of claim 19 wherein:

said female connecting portion is substantially C-shaped;

said male connecting portion is substantially T-shaped; and

said distal portion of said second flange levels to being substantially parallel to said proximal portion of said second flange prior to terminating with said male connecting portion.